

*7/1
Ex-1
cont'd*

and placed on said waiting position, to thereby measure the forms and dimensions of said work.

A marked-up copy of the amended claims is enclosed as required by 37 C.F.R. § 1.121.

REMARKS

Claims 1-12 are pending. The above amendments and the following remarks are fully and completely responsive to the Office Action dated November 6, 2002. By this amendment, claims 6 and 12 have been amended to more clearly claim the invention. It is submitted that the amendments to claim 6 do not narrow the scope of any elements of any of the claims. No new matter has been entered. Accordingly, claims 1-12 are presented for reconsideration.

Claim 12 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 6 is objected to because of a minor informality. By this Amendment, claims 6 and 12 have been amended. Therefore, it is requested that the objection of claim 6 and the rejection of claim 12 be withdrawn.

Claims 1-8 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 1160053 in view of Matsumiya et al. (U.S. Patent No. 5,291,662, "Matsumiya").

Claims 3, 6-7 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 1160053 in view of Matsumiya, and further in view of DE 004126532.

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 1160053 in view of Matsumiya, and further in view of Yoshida (cited in previous Office Action).

Claims 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 1160053 in view of Matsumiya and DE 004126532, and further in view of Yoshida.

However, upon review of EP 1160053, it appears that this is not a valid prior art reference. The filing date of the parent application is May 11, 1999, which is the effective filing date of the present application under 35 U.S.C. § 120. However, the date of publication of EP 1160053 is December 5, 2001.

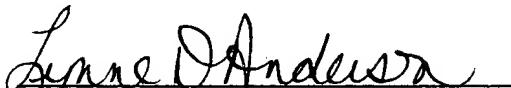
Therefore, the rejection is respectfully requested to be withdrawn.

CONCLUSION

Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney by telephone, if it is believed that such contact will expedite the prosecution of the application.

The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to Deposit Account No. 01-2300, referencing Attorney Docket No. 107292-09003.

Respectfully submitted,



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Enclosure: Marked-Up Copy of Amended Claims

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MARKED-UP COPY OF AMENDED CLAIMS

6. (Once Amended) A work form-measuring apparatus as claimed in claim 5, further comprising refuge means for causing said coordinate-measuring [machine] means to take refuge to such a position as that said coordinate-measuring [machine] means does not prevent said work from moving.

12. (Four Times Amended) A coordinate-measuring machine[,] disposed in the vicinity of a machining tool, and an auto pallet changer having a waiting position, said coordinate-measuring machine comprising: a probe, wherein said coordinate-measuring machine is adapted to bring the probe [for getting a probe thereof] close to a work in [a] the waiting position of [an] the auto pallet changer, directly after said work is machined by said machining tool and placed on said waiting position, to thereby measure the forms and dimensions of said work.